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### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed December 21, 2004.

Claims 1, 3-4, 6-35, 39, 41-48, and 50 are pending. Claims 2, 5 and 40 are cancelled without prejudice or disclaimer. Claim 1 is amended to include the subject matter of cancelled claim 2. Claim 39 is amended to include the subject matter of cancelled claim 40. Cancelled claim 5 is identical to claim 4. Claims 1, 22, 31, 39, 48, and 50 are amended. The amendments contain no new matter and are supported by the Applicant's original specification, including drawings and claims. It is to be understood that the Applicant by amending the claims, does not acquiesce to the Examiner's characterizations of either the art of record or Applicant's subject matter as recited in the pending claims.

In view of the foregoing amendments and the following discussion, the Applicant respectfully submits that the pending claims are patentable over the cited references under 35 U.S.C. §§102 and 103. Thus, the Applicant believes that all of these claims are now in allowable form.

### **CLAIMS PATENTABLE UNDER 35 U.S.C. §102**

#### **Claims 1-6, 8-23, 25-34, 39-40, 42-50**

The Examiner rejected claims 1-6, 8-23, 25-34, 39-40 and 42-50 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,936,659 to Viswanathan et al. ("Viswanathan").

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

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The Applicant respectfully traverses the rejection, because Viswanathan fails to disclose each and every element of the claimed invention. For example, Viswanathan fails to disclose low-level data objects adapted for display in a preferred presentation order defined by priority rankings.

Claim 1 recites, *inter alia*, "wherein said desired data object is a web page comprising a plurality of low-level data objects adapted for display in a preferred presentation order defined by priority rankings included within said location information". Viswanathan fails to disclose at least this claimed element. Viswanathan discloses ordering by size and fails to teach or suggest any such priority rankings. In fact, Viswanathan teaches away from the claimed invention, because in the pyramid broadcasting process of Viswanathan, the segments must be ordered from smallest to largest. (Viswanathan, abstract, col. 4, lines 30-58). Otherwise, it would not operate as intended, because the movie is split into segments from smallest to largest and then received in the order from smallest to largest so that an earlier segment of a movie can be viewed, while later segments are being received. Therefore, claim 1 is patentable over Viswanathan under 35 U.S.C. §102(e)

Claim 22 recites, *inter alia*, "said location information identifying at least an order of presentation defined by priority rankings of said low-level data objects during a presentation of said desired data object". For the same reasons given with respect to claim 1 above, claim 39 is also patentable over Viswanathan under 35 U.S.C. §102(e).

Claim 31 recites, *inter alia*, "associating each of said plurality of data objects with a second-level name, a location associated with said second level name, and a broadcast channel assignment; wherein at least two channels of multiple channel broadcast media are assigned for use in broadcasting said data objects". Viswanathan fails to disclose at least this claimed element, because Viswanathan fails to disclose broadcast channel assignments associated with data objects. To the contrary, in Viswanathan, objects are divided into data segments of the appropriate size to be put into each logical channel and, for each channel, a

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broadcasting process periodically downloads the corresponding data segment (of all the selected objects). (Viswanathan, col. 6, lines 7-12). Therefore, claim 31 is patentable over Viswanathan under 35 U.S.C. §102(e).

Claim 39 recites, *inter alia*, "wherein said desired data object is a web page comprising a plurality of low-level data objects adapted for display in a preferred presentation order defined by priority rankings included within said location information". For the same reasons given with respect to claim 1 above, claim 39 is also patentable over Viswanathan under 35 U.S.C. §102(e).

Claim 48 recites, *inter alia*, "said location information identifying at least an order of presentation of said low-level data objects during a presentation of said desired data object, the order of presentation being defined by priority rankings". For the same reasons given with respect to claim 1 above, claim 48 is also patentable over Viswanathan under 35 U.S.C. §102(e).

Claim 50 recites, *inter alia*, "said location information identifying at least an order of presentation of said low-level data objects during a presentation of said desired data object, the order of presentation being defined by priority rankings". For the same reasons given with respect to claim 1 above, claim 50 is also patentable over Viswanathan under 35 U.S.C. §102(e).

As such, the Applicant submits that independent claims 1, 22, 31, 39, 48 and 50 are patentable over Viswanathan under 35 U.S.C. §102(e). Furthermore, claims 2-6, 8-21, 23, 25-30, 32-34, 40, 42-47 and 49 depend, directly or indirectly, from one of independent claims 1, 22, 31, 39 and 48 and recite additional features. As such and at least for the same reasons as discussed above, the Applicant respectfully submits that these dependent claims are also patentable over Viswanathan under 35 U.S.C. §102(e). Therefore, the Applicant respectfully requests that the Examiner's rejection be withdrawn.

#### **REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)**

##### **Claims 7, 24 and 41**

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The Examiner rejected claims 7, 24 and 41 under 35 U.S.C. §103(a) as being unpatentable over Viswanathan in view U.S. Patent No. 6,104,727 to Moura et al. ("Moura"). The Applicant respectfully traverses the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 U.S.P.Q. 1021, 1024 (Fed. Cir. 1984) (emphasis added). Thus, it is impermissible to focus either on the "gist" or "core" of the invention, Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 230 U.S.P.Q. 416, 420 (Fed. Cir. 1986). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 U.S.P.Q. 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added).

For at least the reasons discussed above with respect to independent claims 1, 22, 31, 39, 48 and 50, the Applicant submits that the Viswanathan reference fails to teach or suggest the Applicant's invention claimed in dependent claims 7, 24 and 41 which depend directly from independent claims 1, 22 and 39.

Furthermore, the Moura reference fails to bridge the substantial gap between the Viswanathan reference and the Applicant's invention

The Moura reference is directed to an asymmetric communications system having a regulated upstream channel in which forward and return channels may be operated at different speeds or under different protocols on the same or different communications media in a manner tending to utilize shared resources more efficiently.

The Moura reference fails to disclose or suggest "obtaining location information associated with said second-level names via a first channel, said location information identifying at least one ["two" in claim 39] of said multiple channels as propagating data associated with low-level data objects" as recited in claims 1 and 39. The Moura reference also fails to disclose or suggest the claimed structure. Thus, since the cited references, either singly or in any permissible combination, fail to disclose or suggest the invention of claims 1 and 39, it is

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respectfully submitted that the invention of claims 7 and 41 are also patentable since claim 7 depends from claim 1 and claim 41 depends from claim 39.

Further, the Moura reference fails to disclose or suggest at least the step of "obtaining location information associated with said second-level names via a first channel, said location information identifying at least an order of presentation defined by priority rankings of said low-level data objects during a presentation of said desired data object" as recited in claim 22. Thus, since the cited references, either singly or in any permissible combination, fail to disclose or suggest the invention of claim 22, it is respectfully submitted that the invention of claim 24 is also patentable since claim 24 depends from claim 22.

As such, the Applicant submits that claims 7, 24 and 41 are not obvious over Viswanathan in view of Moura and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicant respectfully requests that the rejection be withdrawn.

#### **Claim 35**

The Examiner has rejected claim 35 under 35 U.S.C. 103(a) as being unpatentable over Viswanathan in view of Boon (U.S. Patent No. 6,351,565, hereinafter "Boon"). The Applicant respectfully traverses the rejection.

For at least the reasons discussed above, the Viswanathan reference fails to teach or suggest the invention of independent claim 31, and therefore the invention of claim 35 which depends from claim 31 is allowable over the Viswanathan reference.

Furthermore, Boon fails to bridge the substantial gap as between the Viswanathan reference and the Applicant's invention.

Boon discloses data structures for coding and transmitting digital image signals corresponding to plural objects that constitute a moving picture. A coded image signal is obtained by coding digital image signals that correspond to each object. An image signal includes display information for the corresponding object, and locational information that provides the location of relevant data for the

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corresponding object. A user can access relevant data by specifying the object on the display screen. This improves the ability to access relevant data while enabling efficient management of locational information. Additionally, since locational information is transmitted along with display signals the loss of relevant data due to transmission error is reduced.

The Boon reference fails to disclose or suggest "a broadcast channel assignment, wherein at least two channels of said multiple channel broadcast media are assigned for use in broadcasting said data objects" as recited in claim 31. Moreover, since claim 35 depends from claim 31 and recites additional limitations therefrom, it is respectfully submitted that claim 35 is also patentable for at least the reasons discussed above with respect to claim 31.

As such, the Applicant submits that claim 35 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, the Applicant respectfully requests that the rejection be withdrawn.

#### **SECONDARY REFERENCES**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the Office Action. Therefore, the Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

#### **CONCLUSION**

Thus, the Applicant submits that claims 1-35, 39-48 and 50 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that

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appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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